

NAME:

SS#:

Warehouse Employees Union Local No. 730 Health & Welfare Trust Fund

EMPLOYER: Giant

LOCAL: 730

STATUS: Full Time

ISSUE: Accident and Sickness – Overpayment

#A19/107-3710

FUND RULE:

"Weekly Accident & Sickness Benefits

[...] To obtain these benefits, the Weekly Accident & Sickness form completed by you and your attending physician must be submitted to the Fund Office after the appropriate waiting period."

(Warehouse Employees Union Local No. 730 Health and Welfare Trust Fund SPD, Page 45)

SUMMARY:

Disability:	Bicep/rotator cuff tear
Last Day Worked:	March 29, 2019 (originally reported as February 5, 2019)
Disability Began:	March 30, 2019
Returned to Work:	Pending
Appeal Received:	July 15, 2019

The **participant** is appealing the denial of Accident and Sickness benefits for the period commencing March 30, 2019. The participant is also appealing the Fund's request for reimbursement of Accident and Sickness benefits paid for the period from February 27, 2019 through April 14, 2019.

Fund records indicate the participant submitted a completed Accident and Sickness claim form on April 8, 2019 for a disability of "Bicep/rotator cuff tear" commencing on February 6, 2019, based on a last day worked of February 5, 2019. It was noted by the Fund office that both the participant's section and the attending physician's section of the form appeared to be completed by the same individual. It was also noted that the credentials of the attending provider, Ryan Jander, were not listed. The Fund office verified Ryan Jander's credentials (MD) via the internet, and placed a call to his office to confirm. The participant's claim was processed on April 11, 2019 and paid for the period from February 27, 2019 through April 14, 2019. Dr. Jander's office subsequently advised the Fund office on April 16, 2019 that to the best of their knowledge, the participant was not disabled as of February 6, 2019; rather, the participant was disabled by Dr. Jander from March 29, 2019 through May 8, 2019. A letter was faxed to Dr. Jander's office on April 16, 2019, asking him to confirm the information submitted on the original claim form. Dr. Jander advised the Fund office on April 24, 2019 that the physician's section of the form was completed by "unknown" and not authorized by him.

After a review of the file, a letter was mailed to the participant on April 24, 2019 advising that his Accident and Sickness claim was denied, and in an overpayment status, due to this discrepancy. A refund of the net amount of Accident and Sickness benefits issued to the participant for the period from February 27, 2019 through April 14, 2019 was requested at that time. The participant wrote to the Fund office on April 29, 2019, advising that the paperwork submitted was incorrect; his wife "filled out the document and inadvertently put the wrong date of last work. She mistakenly put the date [he] started to receive treatment." A letter was mailed to the participant on May 8, 2019 advising that Dr. Jander advised the Fund office that he did not sign the claim form, and therefore, the claim remained denied. An Accident and Sickness continuation form was subsequently received from the participant on May 20, 2019. Another letter was mailed to the participant on May 20, 2019 advising that his claim remained denied, and a refund of the Accident and Sickness benefits was requested again. To date, a refund has not been received.

Warehouse Employees Union Local No. 730 Health & Welfare Trust Fund

Appeal #: A19/107-3710

Page 2

The participant states with his appeal, "The original documentation submitted was invalid. My wife filled it out and incorrectly put down February 6, 2019 [as] the start date. That is the date I started receiving treatment but not the date I started missing work. My last day of work was March 28, 2019 so my claim should have been started as of March 29, 2019. She also signed the paperwork where she shouldn't have and filled out sections that the doctor is supposed to fill out. It was an honest mistake on her part, she was filling out multiple disability forms for me at that time and I am sure it was a bit overwhelming for her. As soon as I received the denial letter, I contacted the Fund office to rectify the situation. I provided updated documentation from my doctor and have continued to send those updates despite the claim being in denial just so there would be current information." The participant further states, "I have been out of work continuously since March 29, 2019. I am currently doing therapy and my next appointment is on August 28, 2019 at which point I will hopefully be returning to work." Lastly, the participant states, "It was an unintentional mistake on the original documentation that prompted the denial. I feel I immediately corrected the mistake and have since provided 100% accurate information concerning my claim." Included with the appeal was another Accident and Sickness continuation form and physician's certificate of disability from Dr. Ryan Jander indicating the participant has been disabled through August 28, 2019.

ACTION:

Approved

☐

Denied

☐

Tabled

☐

COMMENTS: